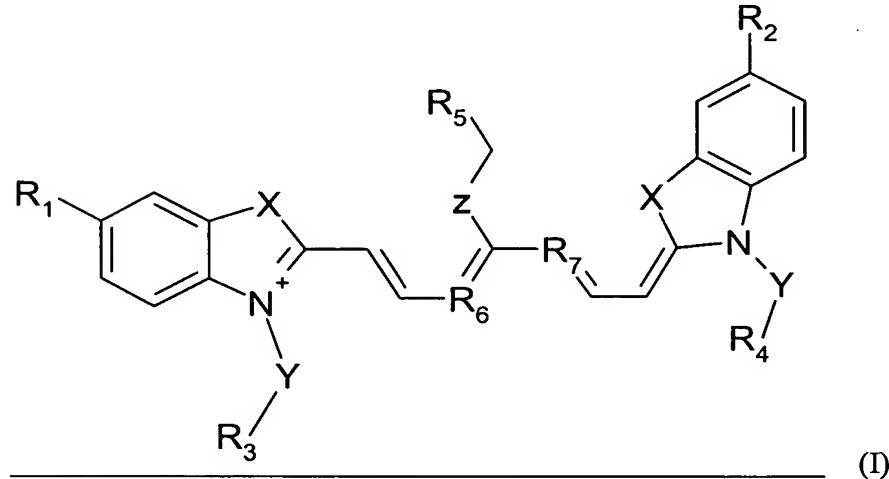
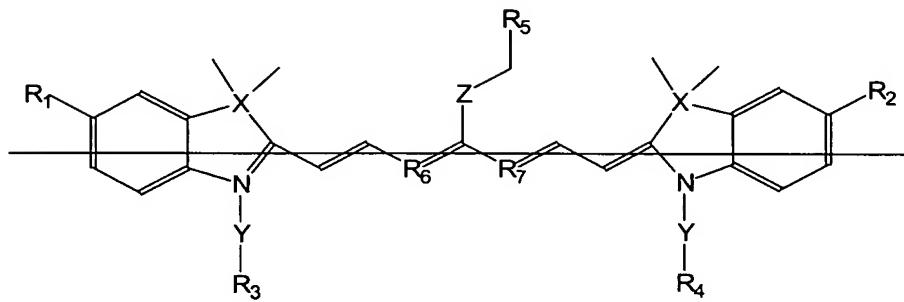


This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Currently Amended) Indotricarbocyanine dye of general An indotricarbocyanine
dye of formula (I),



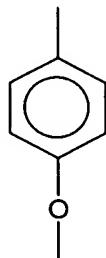
in which

X is O, S or C, wherein, when X is C, it that is substituted twice in two places by,
~~whereby the substituents can be selected from~~ methyl, ethyl, propyl, isopropyl

and/or butyl,

Y is $\text{CH}_2\text{-CH}_2$ or $\text{CH}_2\text{-CH}_2\text{-CH}_2$,

Z is C_1 to C_5 alkyl, ~~whereby the~~ wherein one or more C atoms are optionally replaced substituted by O or S, or is

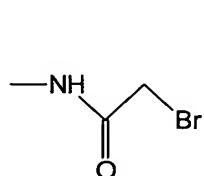


which is bound by an ethylene or a methylene bridge to R_5 ,

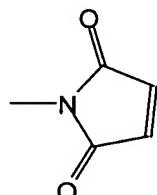
R_1 to R_4 are, independently of one another, are SO_3H or H, with the proviso that at least three of R_1 to R_4 are SO_3H ,

R_5 is COOH , NH_2 , $-\text{CO-NH-R}_8\text{-R}_9$, $-\text{NH-CS-NH-R}_8\text{-R}_9$ or $-\text{NH-CO-R}_8\text{-R}_9$, in which R_8 is selected from the group that consists of an unbranched $\text{C}_2\text{-C}_{13}$ alkyl, in which C atoms are optionally replaced by O or S, and

R_9 is selected from



or



or chloroacetyl,

bromoacetyl, iodoacetyl, chloroacetamido, iodoacetamido, chloroalkyl, bromoalkyl, iodoalkyl, pyridyl disulfide or and vinyl sulfonamide, and in which are CH or are connected together by a C_3 -alkylene group to form a cyclohexyl to a hexyl ring by a C_3 -alkyl, which optionally can be substituted in para-position with a C_1 to C_4 -alkyl radical,

~~or a salt thereof and salts and solvates of this compound.~~

2. (Withdrawn and Currently Amended)

Indotricarbocyanine An indotricarbocyanine

dye according to claim 1, in which

Y is $\text{CH}_2\text{-CH}_2$,

Z is C_1 to C_5 alkyl, ~~whereby the~~ wherein one or more C atoms are optionally replaced ~~substituted~~ by O or S, and

in which R_6 and R_7 are CH,

~~or a salt thereof and salts and solvates of this compound.~~

3. (Withdrawn and Currently Amended)

Indotricarbocyanine An indotricarbocyanine

dye according to claim 1, in which

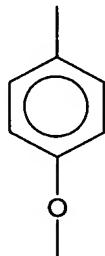
Z is $\text{C}_1\text{-C}_5$ alkyl.

4. (Currently Amended)

Indotricarbocyanine An indotricarbocyanine dye according

to claim 1, in which

Z is



which is bound by an ethylene or a methylene bridge to R_5 ,

and R_6 and R_7 are connected together by a C_1 -alkylene group to form a cyclohexyl to a hexyl ring by a C_3 -alkyl.

5. (Withdrawn and Currently Amended)

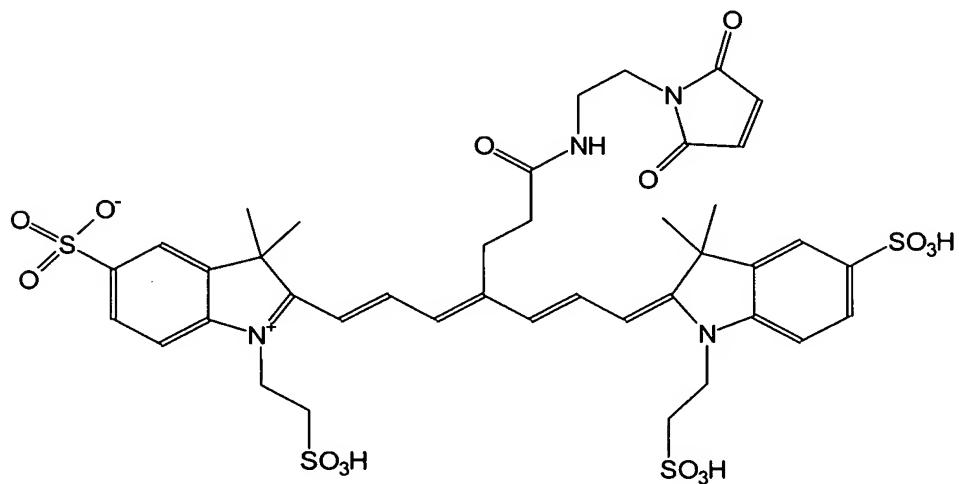
Indotricarbocyanine An indotricarbocyanine

dye according to claim 1, in which

R_5 is COOH or NH₂.

6. (Currently Amended)

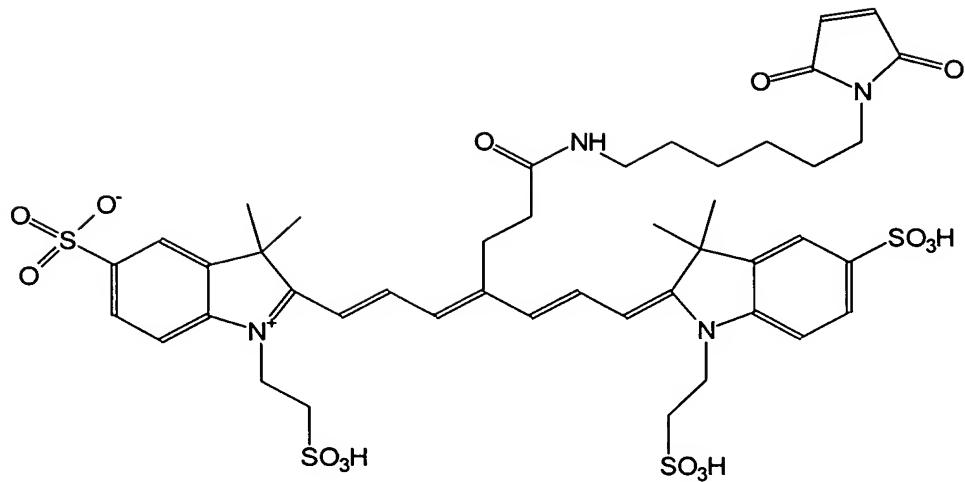
Indotricarbocyanine An indotricarbocyanine dye according to claim 40 3 of formula (II)



or a salt thereof and salts and solvates of this compound.

7. (Currently Amended)

Indotricarbocyanine An indotricarbocyanine dye according to claim 40 3 of formula (III)

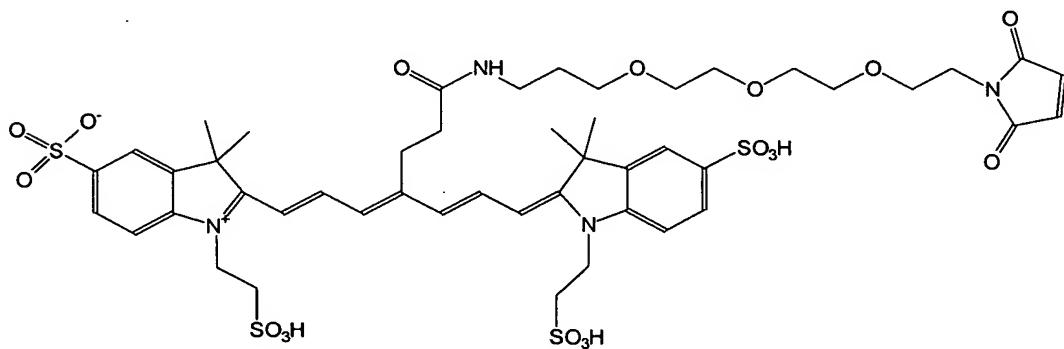


or a salt thereof and salts and solvates of this compound.

8. (Withdrawn and Currently Amended)

Indotricarbocyanine An indotricarbocyanine

dye according to claim 3 of formula (IV)

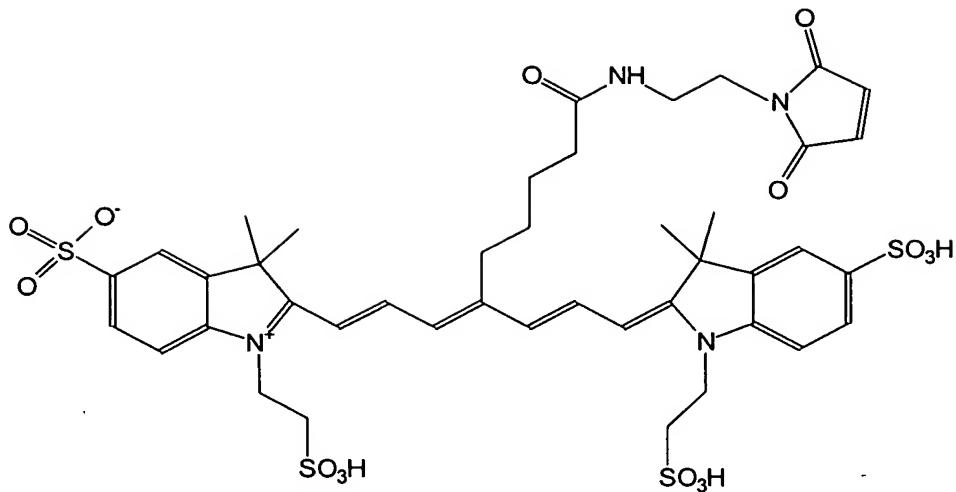


or a salt thereof and salts and solvates of this compound.

9. (Currently Amended)

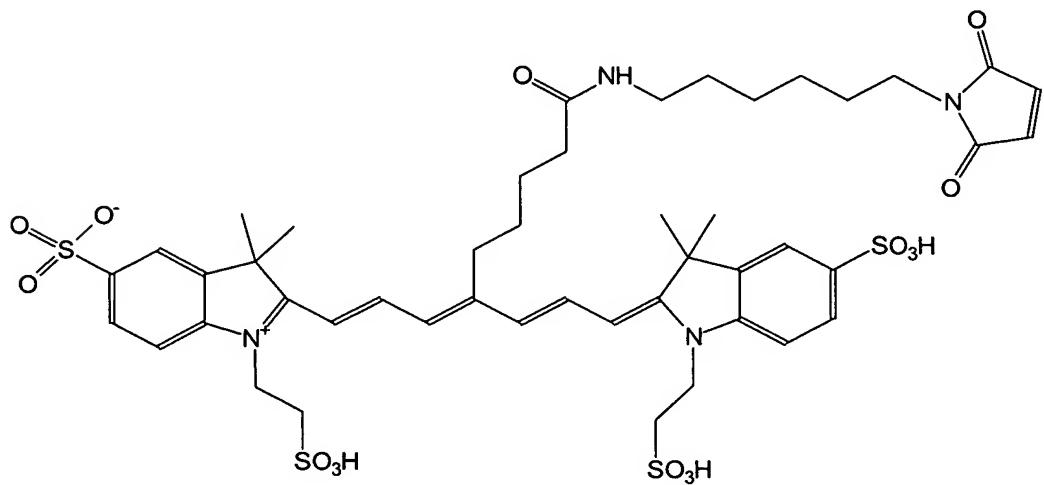
Indotricarbocyanine An indotricarbocyanine dye according

to claim 40 3 of formula (V)



or a salt thereof and salts and solvates of this compound.

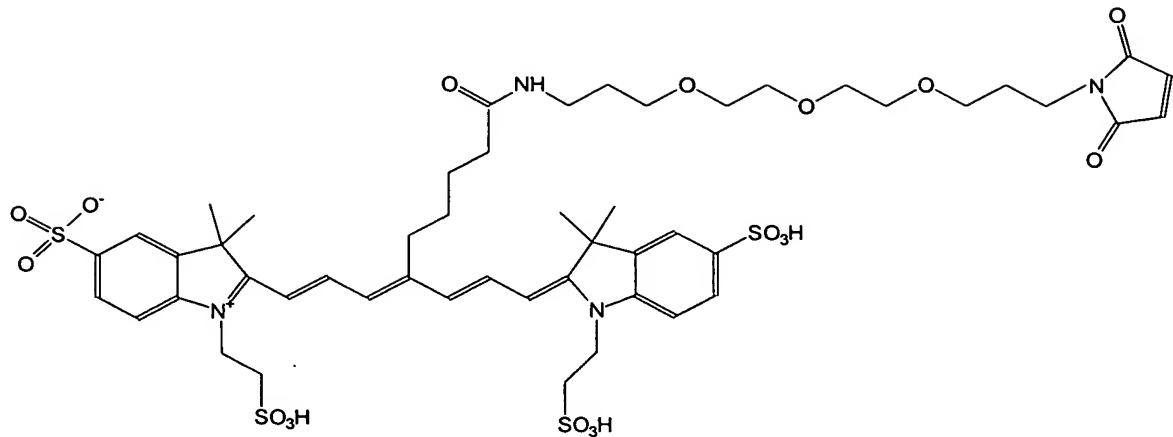
10. (Currently Amended) Indotricarbocyanine An indotricarbocyanine dye according to claim 40 3 of formula (VI)



or a salt thereof and salts and solvates of this compound.

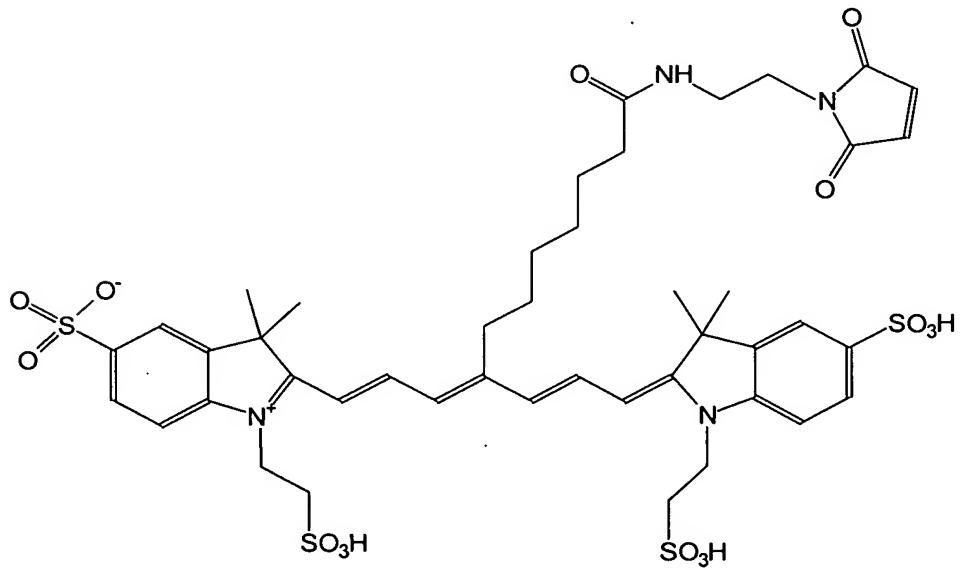
11. (Withdrawn and Currently Amended) Indotricarbocyanine An indotricarbocyanine

dye according to claim 3 of formula (VII)



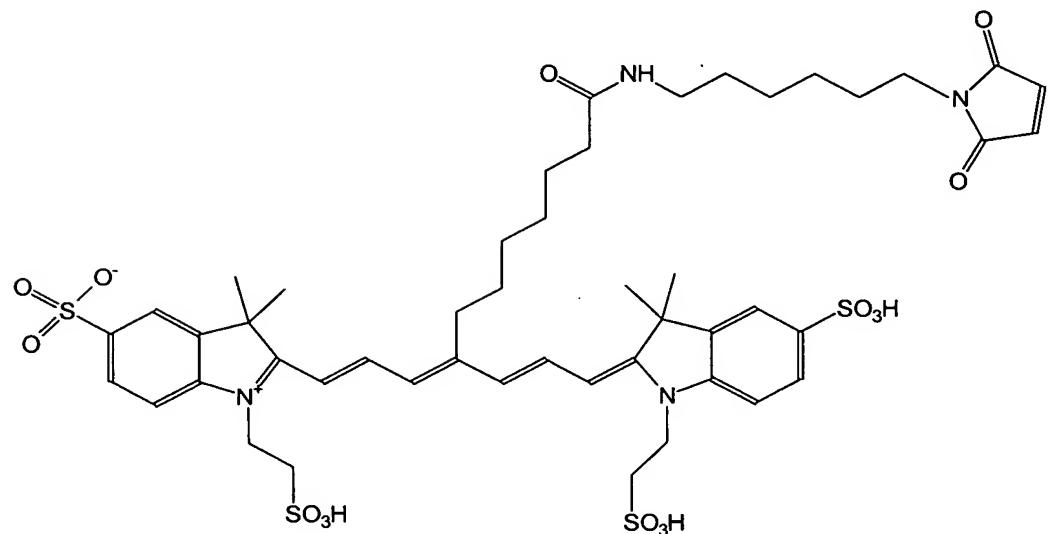
or a salt thereof and salts and solvates of this compound.

12. (Currently Amended) Indotricarbocyanine An indotricarbocyanine dye according to claim 40 3 of formula (VIII)



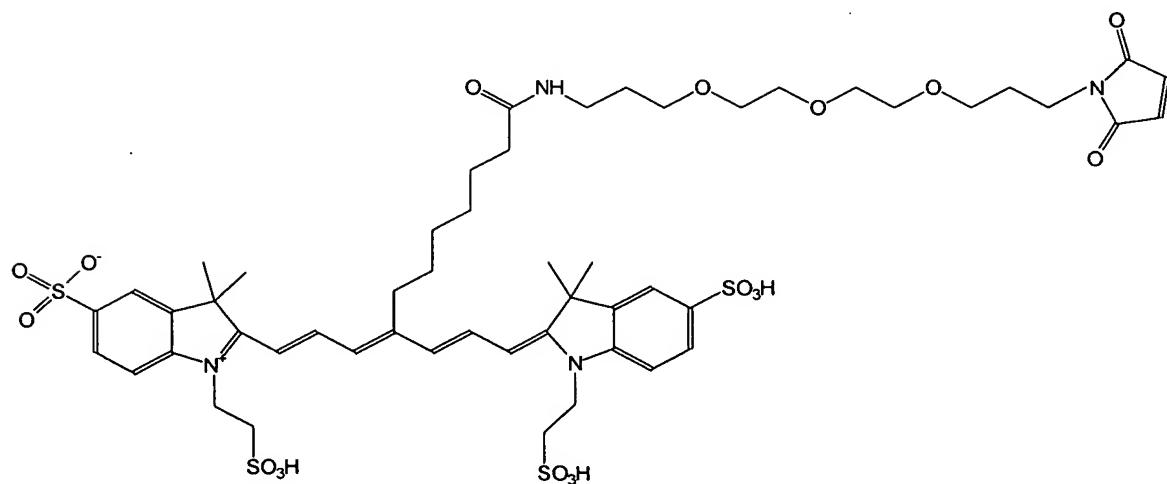
or a salt thereof and salts and solvates of this compound.

13. (Currently Amended) Indotricarbocyanine An indotricarbocyanine dye according to claim 40 3 of formula (IX)



or a salt thereof and salts and solvates of this compound.

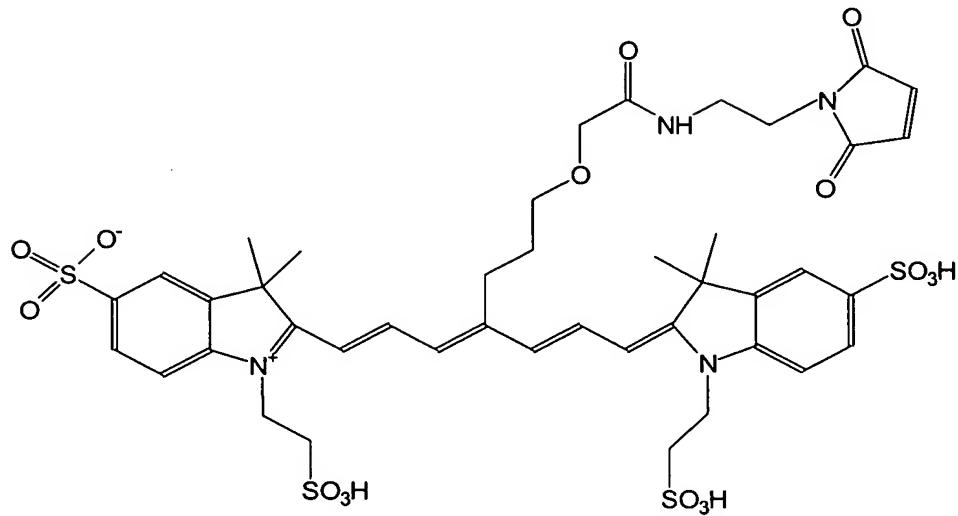
14. (Withdrawn and Currently Amended) Indotricarbocyanine An indotricarbocyanine dye according to claim 3 of formula (X)



or a salt thereof and salts and solvates of this compound.

15. (Withdrawn and Currently Amended) Indotricarbocyanine An indotricarbocyanine

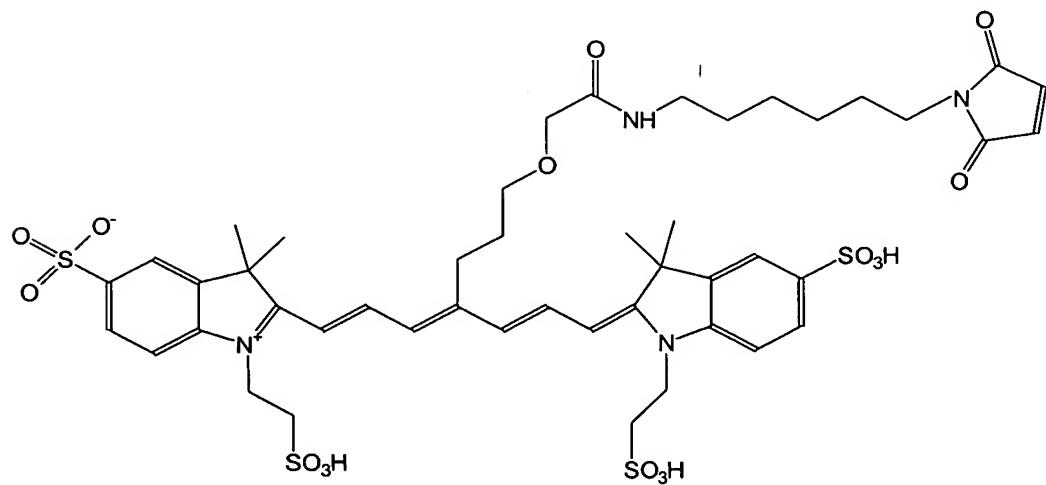
dye according to claim 2 of formula (XI)



or a salt thereof and salts and solvates of this compound.

16. (Withdrawn and Currently Amended) Indotricarbocyanine An indotricarbocyanine

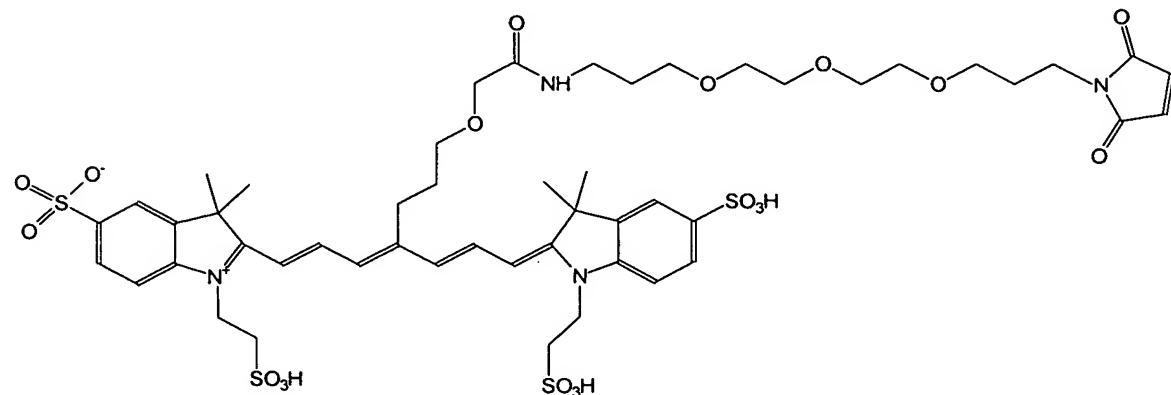
dye according to claim 2 of formula (XII)



or a salt thereof and salts and solvates of this compound.

17. (Withdrawn and Currently Amended) Indotricarbocyanine An indotricarbocyanine

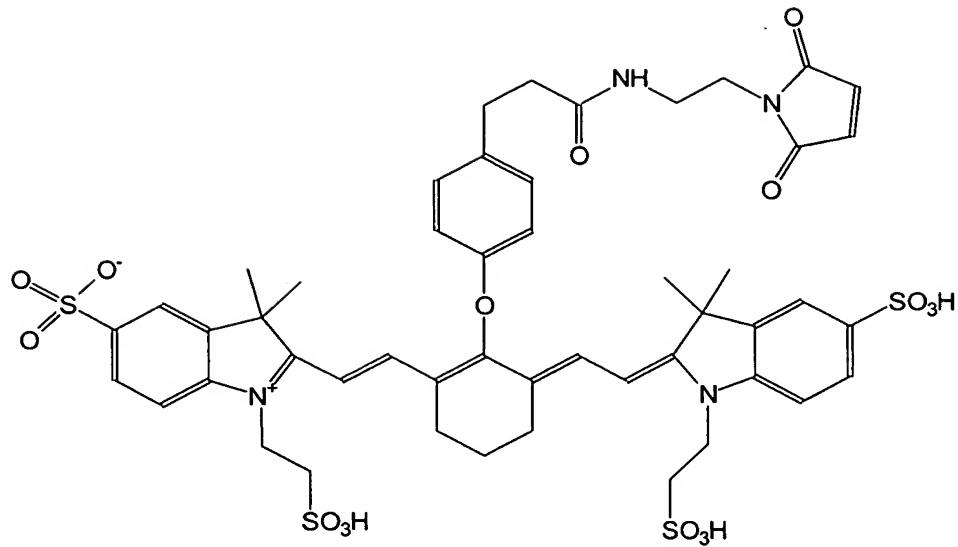
dye according to claim 2 of formula (XIII)



or a salt thereof and salts and solvates of this compound.

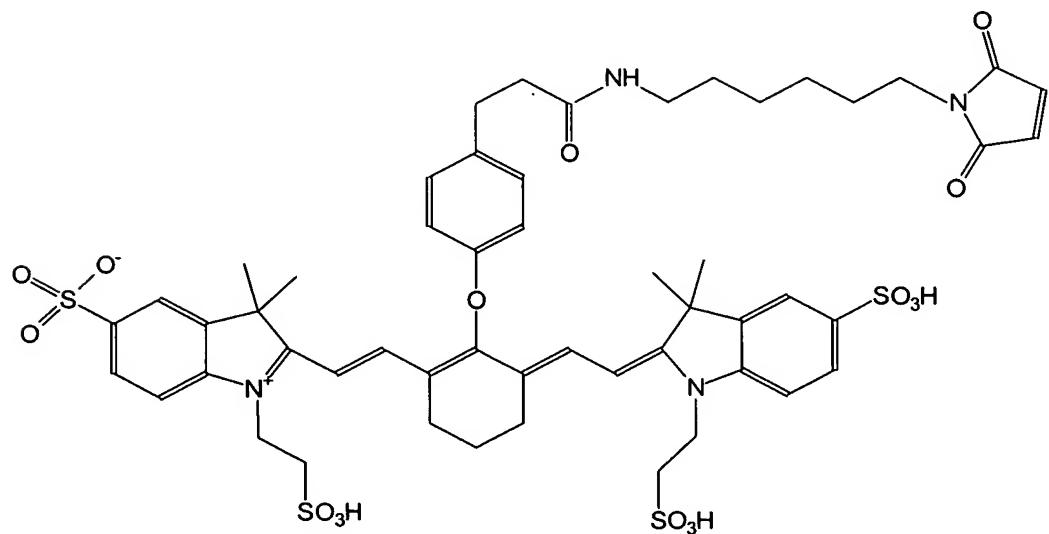
18. (Currently Amended) Indotricarbocyanine An indotricarbocyanine dye according

to claim 4 of formula (XIV)



or a salt thereof and salts and solvates of this compound.

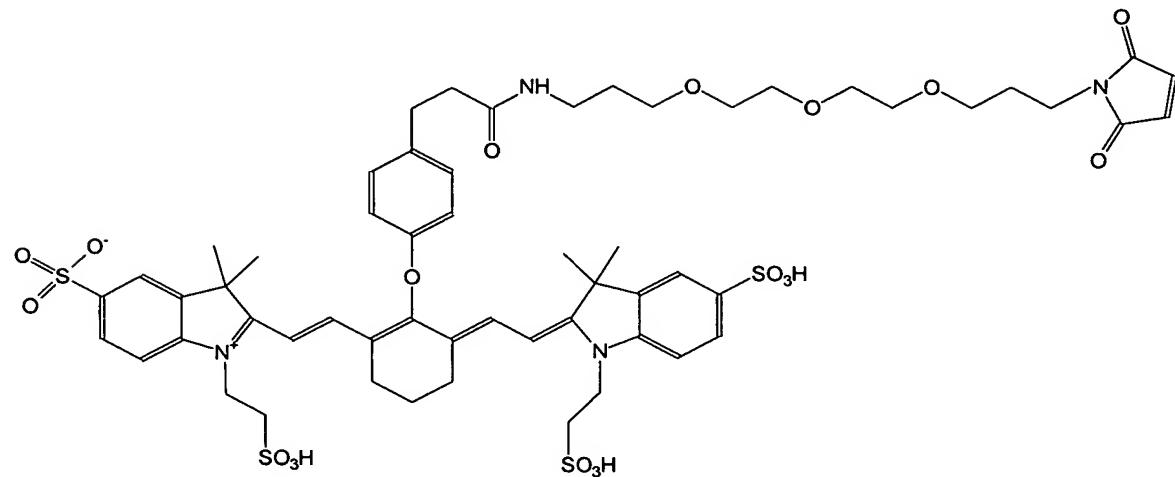
19. (Currently Amended) **Indotricarbocyanine** An indotricarbocyanine dye according to claim 4 of formula (XV)



or a salt thereof and salts and solvates of this compound.

20. (Withdrawn and Currently Amended) Indotricarbocyanine An indotricarbocyanine

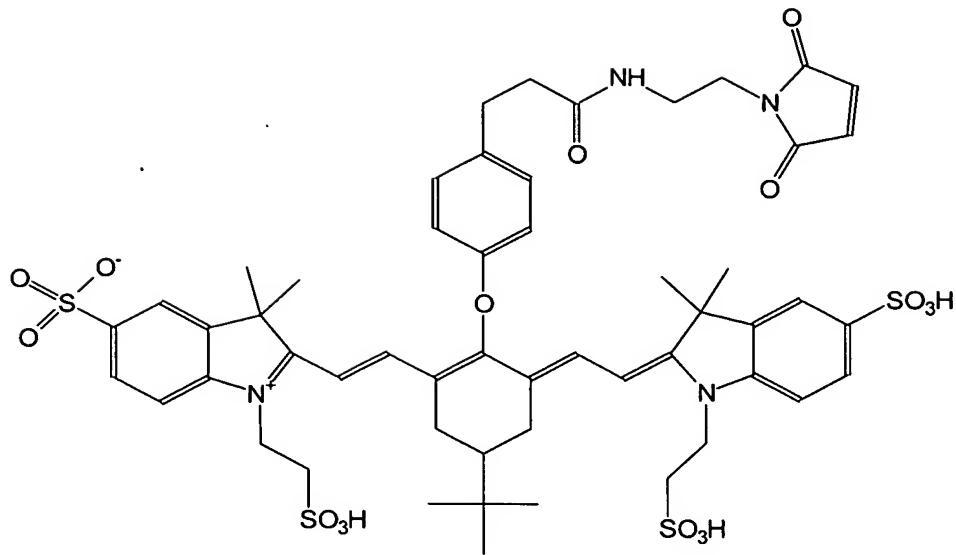
dye according to claim 4 of formula (XVI)



or a salt thereof and salts and solvates of this compound.

21. (Withdrawn and Currently Amended) Indotricarbocyanine An indotricarbocyanine

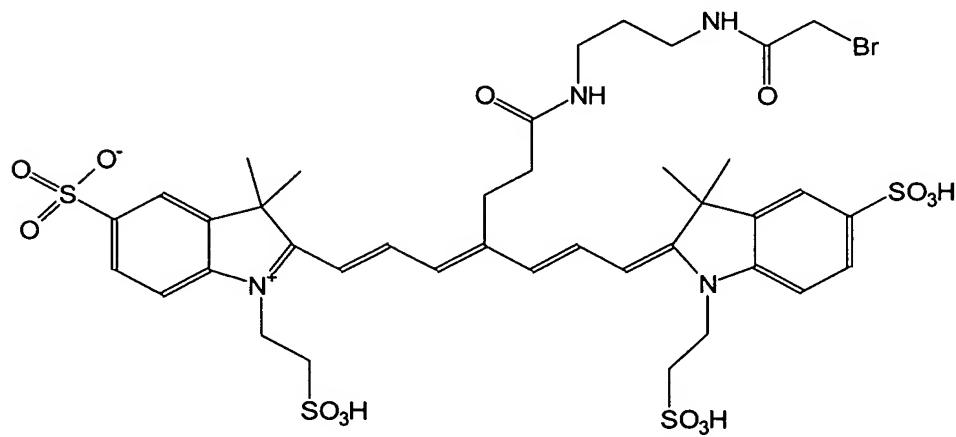
dye according to claim 4 of formula (XVII)



or a salt thereof and salts and solvates of this compound.

22. (Withdrawn and Currently Amended) Indotricarbocyanine An indotricarbocyanine

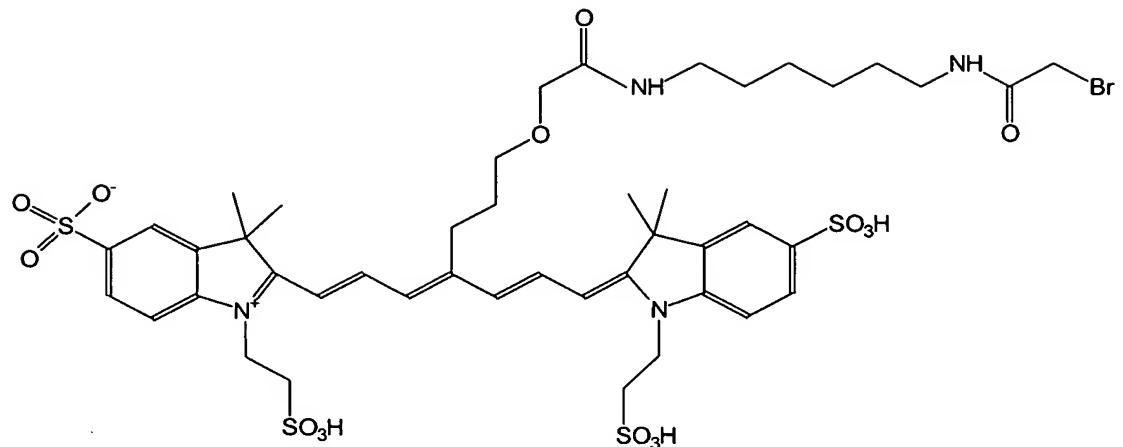
dye according to claim 3 of formula (XVIII)



or a salt thereof and salts and solvates of this compound.

23. (Withdrawn and Currently Amended) Indotricarbocyanine An indotricarbocyanine

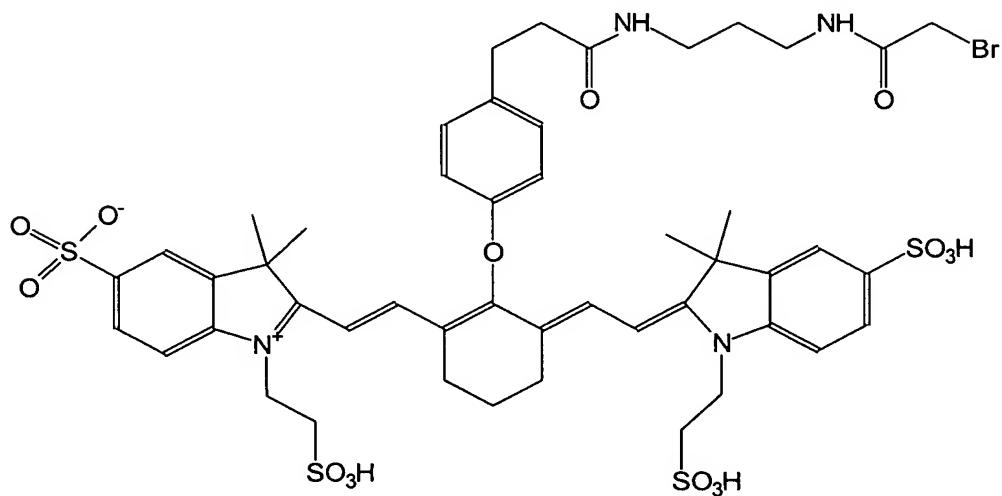
dye according to claim 2 of formula (XIX)



~~or a salt thereof and salts and solvates of this compound.~~

24. (Withdrawn and Currently Amended) **Indotricarbocyanine** An indotricarbocyanine

dye according to claim 4 of formula (XX)



or a salt thereof and salts and solvates of this compound.

25. (Withdrawn and Currently Amended) A process for preparing Process for the

production of an indotricarbocyanine dye according to claim 1, comprising

- a) Preparation of one or more preparing a 4-substituted pyridine pyridines,
- b) Conversion of one or more converting the 4-substituted pyridine pyridines in a meso-substituted glutaconaldehyde-dianilide glutaconaldehyde dianilides as precursors into a cyanine dye by a dyes, by means of the Zincke-König reaction, and
- c) Obtaining the obtaining a meso-substituted glutaconaldehyde-dianilide as precursors to cyanine dyes.

26-32. (Cancelled)

33. (Withdrawn and Currently Amended) Diagnostic kit, A diagnostic kit comprising an indotricarbocyanine dye according to claim 1 ~~and/or a conjugate produced by coupling said indotricarbocyanine dye with a biomolecule, together with an adjuvant that is suitable additional adjuvants for implementing an *in-vivo* diagnosis of a tumor, in particular, tumors.~~

34. (Cancelled)

35. (New) A solvate of a compound of claim 1, which comprises a compound of formula I in combination with a solvent molecule.

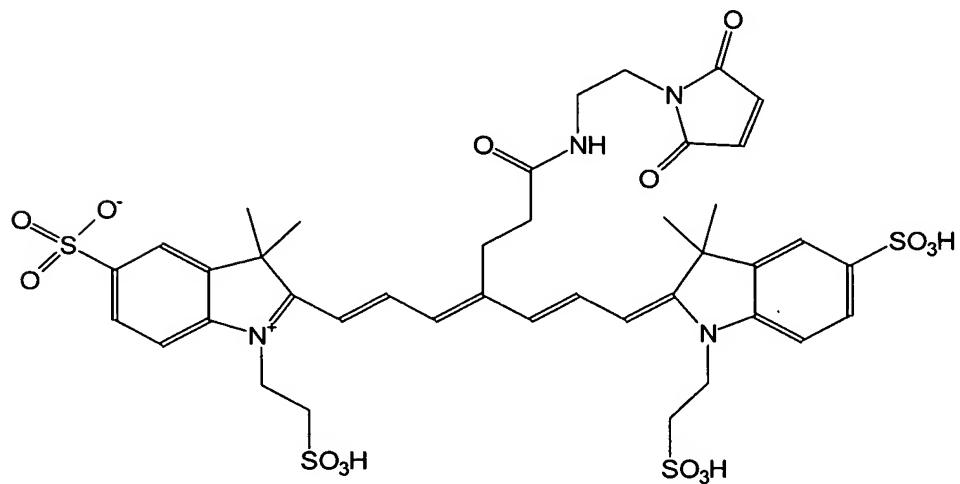
36. (New) An indotricarbocyanine dye according to claim 1, wherein X is C.

37. (New) An indotricarbocyanine dye according to claim 1, wherein X is C and is substituted in two places by methyl.

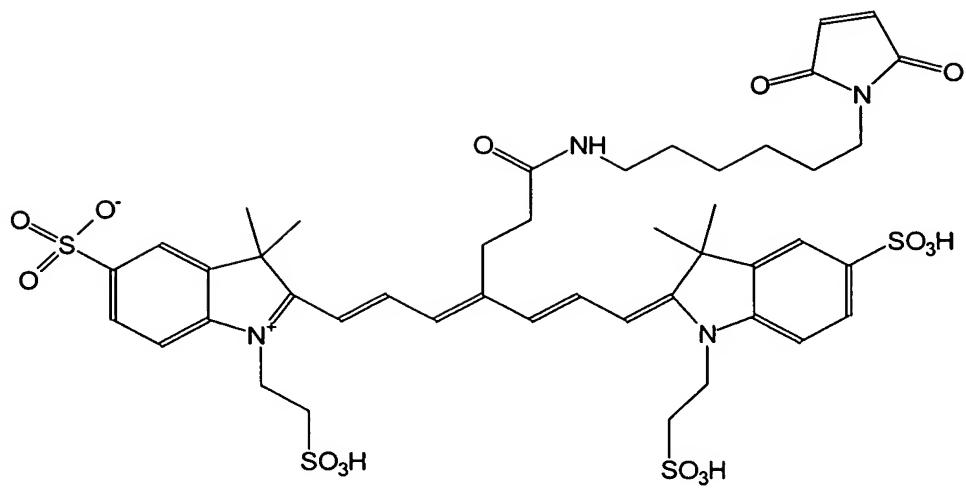
38. (New) An indotricarbocyanine dye according to claim 1, wherein Z is C₁ to C₅ alkyl.

39. (New) An indotricarbocyanine dye according to claim 1, wherein Z is C₁ to C₅ alkyl in which one or more C atoms are replaced by O.

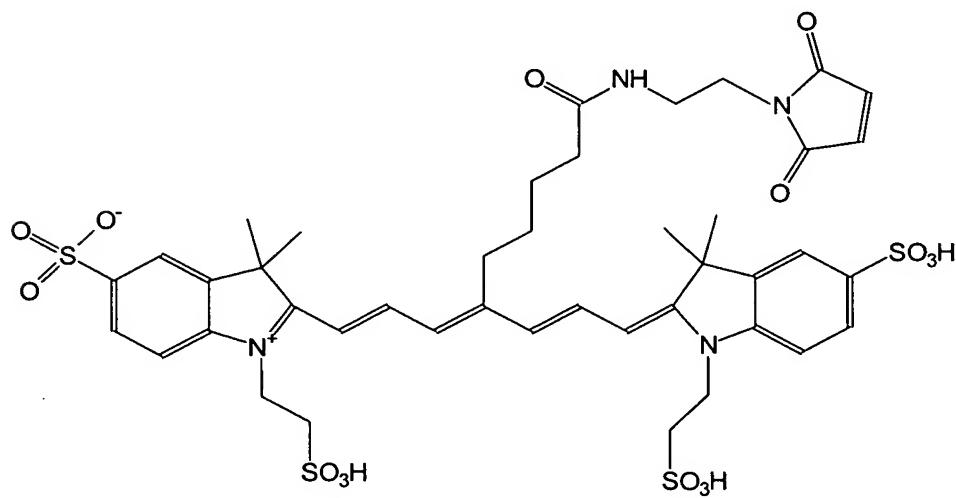
40. (New) An indotricarbocyanine dye of formula (II)



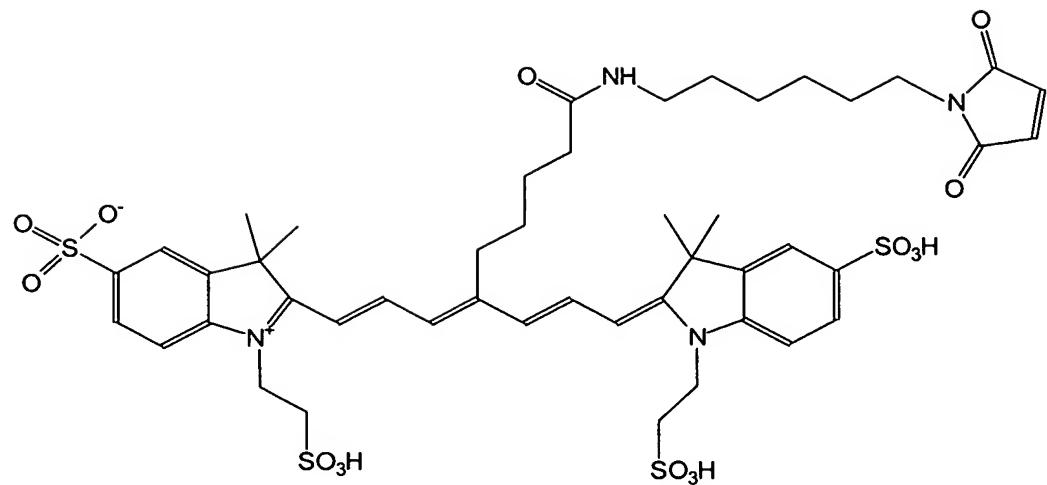
or of formula (III)



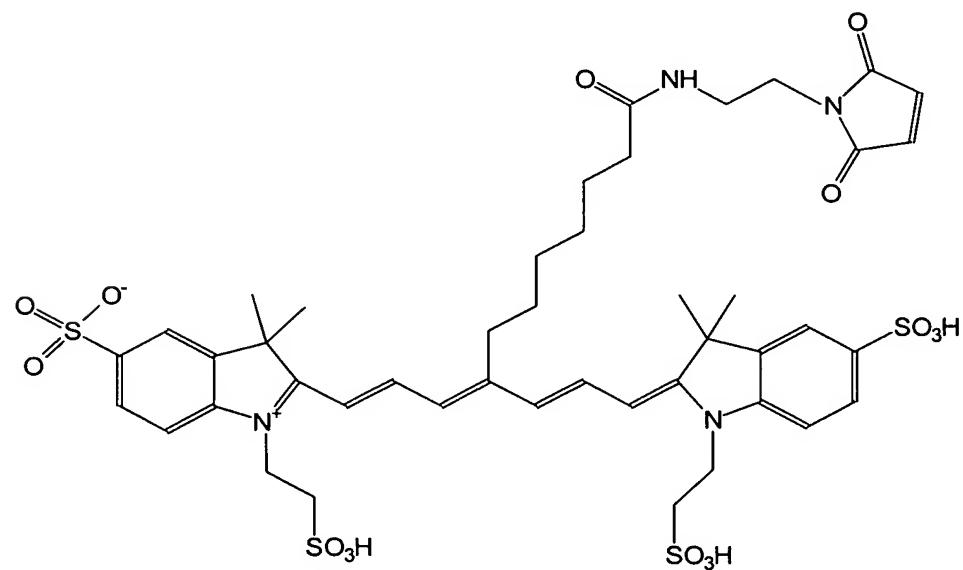
or of formula (V)



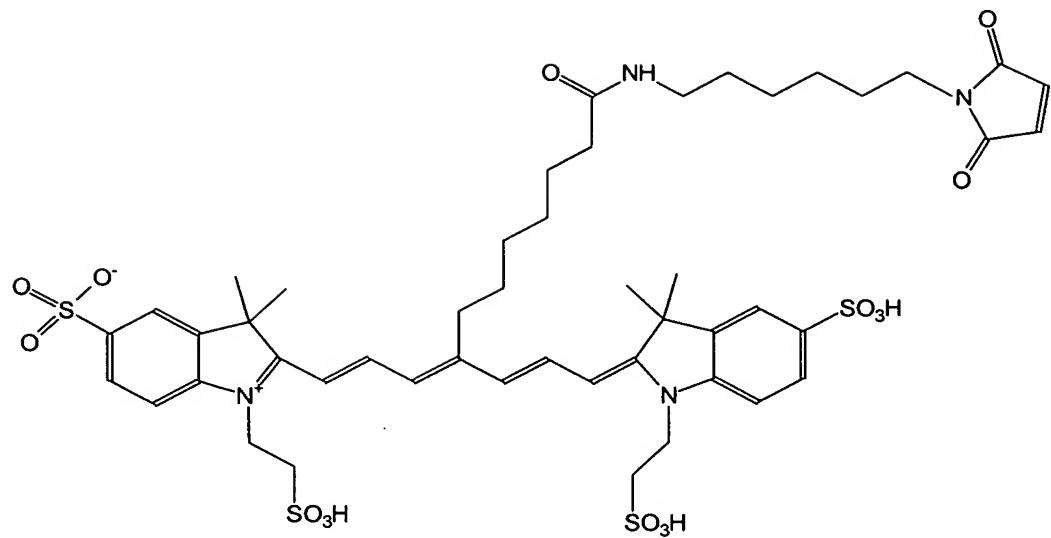
or of formula (VI)



or of formula (VIII)



or of formula (IX)



or a salt thereof.

42. (New) A solvate of a compound of claim 41, which comprises a compound of formula II, III, V, VI, VIII or IX in combination with a solvent molecule.